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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,471	06/29/2001	Mary F. Hollinger	60027.0004US01/BS00318	9254

39262 7590 10/26/2005

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EXAMINER
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LIN, WEN TAI

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/896,471

Applicant(s)

HOLLINGER ET AL.

Examiner

Wen-Tai Lin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8, 10-17 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 10-17 and 20-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-6, 8, 10-17 and 20-22 are presented for examination. Claims 7, 9 and 18-19 have been canceled.

2. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

### ***Claim Rejections - 35 USC § 103***

3. Claims 1-6, 8, 10-17 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabbita et al.(hereafter "Gabbita")[U.S.Pat. No. 6349238] in view of Official Notice

4. As to claim 1, Gabbita teaches the invention substantially as claimed including: an appointment setting system for assigning a service order to a network resource [e.g., col.2, lines 29-57], comprising:

an appointment negotiator [e.g., 134, 136 (LSC), Fig.1C] operative to receive a service order from a customer and deliver an appointment confirmation and an appointment rejection to the customer [e.g., steps 7-9, 19, Fig.4; col.18, lines 35-50; note that, by default, confirmation/rejection of an original service order must be sent to the customer];

a dispatch database operative to maintain a dispatch database record of appointments previously assigned to the network resource [104, Fig. 1; col.4, lines 56-61];

an appointment control system operative to receive the service order from the appointment negotiator [204, Fig.2];

determine whether the network resource can fulfill the service order [206 -212, Fig.2];  
and

assign an appointment associated with the service order to the network resource and send an appointment confirmation to the appointment negotiator in response to a determination that the network resource can fulfill the service order [214-220, Fig.2];

determine whether a change has occurred to the dispatch database record associated with the network resources; determine whether the change affects the appointment associated with the service orders in response to a determination that a change to the dispatch database record associated with the network resource has occurred; and reassign the appointment associated with the service order to another network resources in response to a determination that the change to the dispatch record associated with the network resource affects the appointment associated with the service order [col.18, lines 51-64; note that detecting changes of resources and reassigning tasks to other available resources is part of the load balancing effort].

Gabbita disclosed that authorized users might log into the system and reassigned the work steps as necessary. Gabbita does not specifically teach reassigning the appointment for the above load balancing steps is performed automatically.

However, Official Notice is taken that it is well known resources availability may changes from time to time and the art of load balancing is typically performed automatically to dynamically accommodate the changes in resource availability.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that load balancing steps in Gabbita's system be performed automatically because the system has already automated a majority of the work steps [e.g., 414, Fig.4; col.14, lines 56-64; col.19, lines 41-53] and by allowing the system to automatically perform the reassignment steps it would facilitate the work progress and reduce human errors.

5. As to claim 2, Gabbita further teaches that the appointment control system is a computer-implemented system that is electronically accessible by the appointment negotiator [LSAT, Fig.1A; Fig.1B].

6. As to claims 3-5, Gabbita further teaches that the dispatch database record is an electronic record comprising a network resource schedule, a set of tasks to which the network resource can be assigned and appointments assigned to another network resource [104, Fig.1; col.4, lines 56-61].

7. As to claims 6 and 8, Gabbita further teaches that the appointment control system is further operative to determine deliver the appointment rejection to the appointment negotiator, in response to a determination that the network resource cannot fulfill the service order and would thereby affect the original appointment confirmation [e.g., 350-356, Fig.3; col.21, lines 44-51].

8. As to claim 10, Gabbita further teaches that the appointment control system is further operative to receive the service order from a third party through a third party gateway [e.g., 118-120, Fig. 1A; i.e., the third party residing on anywhere in the Internet can be connected to the appointment control system LSAT].

9. As to claim 11, since the features of this claim can also be found in claims 1-6, 8 and 10, it is rejected for the same reasons set forth in the rejection of claims 1-6, 8 and 10 above.

10. As to claims 14-15, Gabbita further teaches that the step of determining whether a network resource can fulfill the service order comprises accessing the dispatch database to determine whether the network resource can be near the appointment location approximately at the appointment time or is committed to another service order at the appointment time [note that this is an inherent process in arranging an appointment].

11. As to claim 16, Gabbita further teaches that the step of updating a dispatch database to reflect a reduction in a capacity value associated with the network resource comprises modifying a dispatch database record to indicate a commitment of the network resource to perform the service task at the appointment time and at the appointment location [note that it is inherent that Gabbita's database maintenance process needs to update its content after an appointment is made].

12. As to claims 12-13, 17 and 20-22, since the features of these claims can also be found in claims 1-6, 8, 10-11 and 14-15, they are rejected for the same reasons set forth in the rejection of claims 1-6, 8, 10-11 and 14-15 above.

13. Applicant's arguments filed on 8/10/2005 for claims 1-6, 8, 10-17 and 20-22 have been fully considered but are moot in view of the new ground of rejection.

### ***Conclusion***

**Examiner note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the contest of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(571)273-8300 for official communications; and

(571)273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

October 24, 2005

*Allen Jan Lin*  
10/24/05